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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

TRI-VALLEY CARES, *et al.*,

No. C 08-01372 SBA

Plaintiffs,

ORDER

v.

[Docket No. 40]

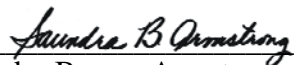
UNITED STATES DEPARTMENT OF
ENERGY, *et al.*,

Defendants.

The Court DENIES plaintiffs' Request for Judicial Notice [Docket No. 40]. On June 5, 2008, plaintiffs' requested the Court take notice of a one-page press release issued by the National Nuclear Security Administration ("NNSA"), almost a month earlier, on May 9, 2008. *See id.* While the NNSA is an agency of defendant United States Department of Energy, and the release appears to discuss the Lawrence Livermore National Laboratory, the release is short and vague, and does not mention the biosafety level-3 facility at the center of this matter. *See id.* Nor do plaintiffs even explain how this release is related or relevant to the motion before this Court, their Amended Plaintiffs' Notice of Motion and Motion for Preliminary Injunction (the "Motion") [Docket No. 13]. Lastly, the Court took the Motion under submission on May 6, 2008, and does not require any supplemental pleadings.

IT IS SO ORDERED.

June 9, 2008



Saundra Brown Armstrong
United States District Judge